

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
March 25, 2024

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chamber, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, March 25, 2024. A teleconference was held via Zoom; staff and meeting attendees were welcomed in the Council Chamber.

Composing a quorum were:  
Mayor Bobby Rosenthal  
Mayor Pro Tem Blake M. Bonner  
Councilmember Lawson Jessee  
Councilmember Karl P. Baker  
Councilmember Lynda Billa Burke  
Councilmember John Savage

Also attending were:  
City Manager Buddy Kuhn  
Assistant City Manager Phil Laney  
City Attorney Jessie Lopez  
Director of Finance Robert Galindo  
Assistant to City Manager Jennifer Reyna  
City Secretary Elsa T. Robles  
Community Development Services Director Lety Hernandez  
Police Chief Rick Pruitt  
Deputy Fire Chief Allen Ottmers

Not attending:  
Fire Chief Michael Gdovin  
Deputy Police Chief Cindy Pruitt  
Public Works Director Pat Sullivan

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Mayor Bobby Rosenthal opened the meeting at 5:31 p.m. He took the opportunity to welcome the Boy Scouts in the audience. He announced *Item # 7* on the agenda, *Notice of Intent to add to the existing commercial use building on the property located at 934 Patterson Ave, also known as The Argyle*, was postponed until further notice by the applicant and no Council action or discussion would take place. He stated anyone who wished to speak on this item could do so during "Citizens to be Heard" or could elect to leave and speak when the item was rescheduled.

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*Item # 1      Approval of Minutes*

Mayor Rosenthal asked the City Council for a motion on the March 18, 2024 City Council Meeting minutes. Mayor Pro Tem Blake M. Bonner moved to approve the minutes as presented. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

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*Item # 2      Announcements*

Mayor Rosenthal read the following caption.

**a. April City Council Meetings Rescheduled**

City Secretary Elsa T. Robles stated she was announcing the rescheduling of the upcoming April City Council meetings. The first meeting scheduled for Monday, April 8<sup>th</sup>, will be rescheduled to Tuesday, April 9<sup>th</sup> due to the solar eclipse and in anticipation that residents, Council, and staff may be traveling to view this event.

Ms. Robles stated the second meeting falls on Monday, April 22; however, the date is still being determined by staff and Council. The reason for the rescheduling is because residents and their families may attend the Texas Cavalier River parade that evening, and it is also the start of Passover. City staff and Council discussed rescheduling this meeting for Tuesday, April 23<sup>rd</sup> or Monday, April 29<sup>th</sup>. She stated the date will be finalized and announced on April 9<sup>th</sup>. Both meetings will start at the regular time of 5:30 p.m.

**b. 6th Annual AH09 5K Fun Run & Pet Adoption, April 13, 2024**

Assistant to City Manager Jennifer Reyna announced she welcomed everyone to attend the City's 6<sup>th</sup> Annual AH09 5k Fun Run and pet adoption on Saturday, April 13<sup>th</sup>. The event will start at 8:00 a.m. at City Hall in the back parking lot. Detailed information is posted on the City's website and will be available in the April Newsletter. There is a fee of \$25.00 for early registration, but, after April 1<sup>st</sup>, it will be \$30.00. Ms. Reyna added all proceeds will benefit the Alamo Heights Animal Care Services Department and thanked sponsors who have donated to this event.

**c. Fiesta Medals**

Ms. Reyna stated she was excited to announce the 2024 Fiesta Medals have arrived and will be available on Monday, April 8<sup>th</sup>. These will be limited to one per resident, two per household.

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*Item # 3      Citizens to be Heard*

- Mr. John Kerr, resident, stated he served on the Texas Biomedical Research Institute board for almost 30 years. He commented the Argyle itself did not provide any financial support to the Texas Biomedical Research Institute; however, membership fees did. He added the proposed addition would not affect or jeopardize the support in any way from Argyle members.

- Mr. Mike McGlone, resident, asked Council to remember the context and conditions the Board of Adjustment addressed in 1955 in reference to this facility. At that time, the agreement was, the use of the property would be a private dining and social club limited to 200 hundred members. He stated the membership has grown to 1,100 members. He noted the building has expanded multiple times and routinely violates every provision of the 1955 agreement. He also shared concern with the limited parking for the facility.
- Mr. Ted Flato, resident, stated he is a member of the Argyle and wanted to address the impact the building will have upon the neighborhood with excessive parking, traffic, and service challenges. He was concerned with the safety of pedestrians/residents in the area.
- Ms. Ann McGlone, resident, stated the proposed specific use permit will not benefit or enhance the city, but will put added pressure on city services, such as, police, fire, EMS, and public works and will take them away from serving other residents in the city. She added the club will make money at the expense of the neighborhood and the city.

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Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

**The City Council will consider the appointment of a new Public Works Director**

City Manager Buddy Kuhn stated due to the upcoming retirement of current Public Works (PW) Director Patrick Sullivan, the city was in search of a new director. Mr. Kuhn announced he was privileged and honored to present Mr. Frank Orta and his wife Amalia. Mr. Orta has been selected as the new PW Director from a multitude of applicants and conducted interviews. Per City Charter Article 5, Section 9, a PW director shall be appointed by the City Manager with the approval of the City Council.

Mr. Kuhn provided some background information. Mr. Orta has served as the Director of Operations for City of San Antonio (COSA) public works for the past 25 years and supervises over 60 employees. He is retiring from COSA effective March 31, 2024, and has met all pre-employment requirements for the position. If approved by Council, Mr. Orta's employment will begin on May 6, 2024.

Mr. Orta started as a concrete finisher and rose through the ranks to Director of Operations for PW. He has worked in multiple divisions of PW to include streets, storm water, etc. Additionally, he has experience collaborating with elected officials throughout San Antonio and with several departments including Historic Preservation, Land Development, Solid Waste, Traffic Engineering and Emergency Operations. Mr. Orta is currently completing his bachelor's degree in history from Texas A&M University / San Antonio, May 2024.

Mr. Kuhn stated he and Mayor Rosenthal met with Mr. Orta and have reviewed the proposed agreement. Retiring PW Director Patrick Sullivan also endorsed Mr. Orta and Assistant City Manager Phil Laney also worked with Mr. Orta at COSA.

City Council welcomed Mr. Orta. He took the opportunity to thank them for the opportunity to serve the City of Alamo Heights and stated he looked forward to building relationships with them.

Councilmember Lawson Jessee moved to approve the appointment of Mr. Frank Orta as the new Public Works Director. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

*Item # 5* Mayor Rosenthal read the following caption.

**Public Hearing – Planning and Zoning Case No. 432, a request to replat the properties identified as CB 4024, BLK 197, LOT 8, also known as 218 Canyon Dr., and .1148ac out of CB 4024, also known as Lot 8A.**

Community Development Services Department Director Lety Hernandez stated the property owner requests to replat two separate properties into one. The properties are zoned Single-Family A and are located at 218 Canyon Dr. on the south side, west of Stonecrest Dr.

Ms. Hernandez reviewed the existing conditions, noting the dividing line towards the rear of the property. She stated there were improvements on the property, the addition of a detached accessory structure. The proposed conditions show no change for the exterior boundaries other than incorporating the small lot.

Ms. Hernandez stated the proposed replat meets the minimum lot area requirements and will bring the detached accessory structure into compliance. She commented CPS, SAWS, and Public Works have given approval of the proposed replat regarding potential impact on utilities. The Planning and Zoning Commission considered the request at the March 4, 2024, meeting and voted unanimously to recommend approval of the request as presented.

Public notifications were mailed to property owners within the 200-foot radius. Notices were posted on the City's website and on the property. A legal notice was published in the *San Antonio Express-News*. Staff received one response in support and none in opposition.

Mayor Rosenthal opened the public hearing at 5:57 p.m.

- Mr. Mark Randolph, attorney, stated he represented Will and Rebecca Flannery who own the property immediately to the west of this property and are opposed to the proposed replat. He stated his clients have been dealing with a significant increase in water flow from the property in question, causing damage to their property. Mr. Randolph stated a storm water drainage plan should have been required before a permit was issued allowing the accessory structure to be built. He pointed out three drainage spouts directed to the Flannery's property, resulting in excessive water flow. Mr. Randolph noted Mr. Frank Burney, the attorney for the applicant, has been attempting to work with them and agreed to move the three drainage spouts to drain

to the east. In closing, Mr. Randolph asked Council to make this a requirement/condition in approving the replat.

- Mr. Frank Burney, attorney for the applicant, stated the Stewarts added a pool and cabana to their backyard in 2020. A permit was issued to allow them to build; however, last October, City staff notified them they had to replat the property. In November 2023, the engineer's final plat was provided to the staff which complied with the city's requirements. The Planning and Zoning Commission heard the case in February. During this meeting, the applicant was informed there were drainage issues that need to be addressed. Mr. Burney noted to be good neighbors, the Stewarts agreed to postpone the replat for 30 days to meet with engineers from both parties to try to resolve the drainage issues.

Mr. Burney explained, after meeting with the engineers, there were three concerns the Flannery's liked addressed. They requested to change the number of downspouts on side of the property, to carry the water to the south of property away from their property. They requested the applicant to install a mesh lining along the fence to prevent dirt from falling across the property. Additionally, they requested the applicant change the direction of the downspouts that were installed years before to carry the water away from the neighboring property. He noted all three of these recommendations were agreed to by the Flannery's engineer and the Stewart's engineer.

- Mr. Alan Lindskog, engineer, stated he was retained to look at the drainage issue. He commented he did his own calculations and noted there was one area where he could not conclusively determine the water went all the way to the Flannery's property due to an inlet that was not accounted for in prior evaluations. He added there is a new storm drain that diverts the water on the south side of the house and east of the pool away from the Flannery's. He stated the Stewarts have agreed to redirect that downspout which he believes has existed for over 30 years.

Mayor Rosenthal closed the public hearing at 6:47 p.m.

*Item # 6* Mayor Rosenthal read the following caption.

**Discussion and possible action on Planning and Zoning Case No. 432, a replat the properties identified as CB 4024, BLK 197, LOT 8, also known as 218 Canyon Dr., and .1148ac out of CB 4024, also known as Lot 8A.**

Mayor Rosenthal asked the Flannery's attorney if the proposed plans would help alter the flow of the water. Mr. Randolph stated it would help reduce the flow overall, but added a topographic study may be needed to determine what the after flow of water truly is. He added his clients would not have spent thousands of dollars complaining if a storm water drainage plan had been done at the time the permit was granted.

Mayor Rosenthal asked the applicant's attorney why the remediation had not been done. Mr. Burney stated his client would go on record saying they will make those three recommended

changes when the replat is approved and noted it has met all the platting requirements. It was approved and reviewed by the city's engineer, CPS, SAWS, and Public Works. The plat was filed on record with the city's Community Development Services department. He stated the recommended changes are not required and are simply being done in the interest of being a good neighbor and to redirect any runoff coming from the structures.

The City Council discussed the case and asked the City Attorney for his guidance. Mr. Jessie Lopez stated Council could not make extraordinary requirements to comply with the platting requirements. He explained, the building permit was issued for this applicant, work was underway, and then they discovered the need to replat the properties. Mr. Lopez stated the city has not approved final construction. The final approval for the construction will be granted until the replat is done. This is why the construction and the replat are tied together. He advised, if the applicant agrees to do certain work voluntarily, the city cannot enforce it, but should approve the replat if the applicant satisfies all the requirements under the city code. He noted, in this case, they have done that, but if the landowner wants to voluntarily make additional recommendations, a note can be made that they have elected to do this voluntarily and include this in the approval. However, if for any reason they change their mind and decide not to do it, the city would not have any basis to enforce it, because is beyond what is required in the city's code.

City Council asked why a grading plan was not requested prior to the permit being issued. Ms. Hernandez explained a grading plan was not required for this case. Based on the plan information provided during the permitting process, staff felt there was enough information illustrating the water flow would not affect the adjoining property owner. She added staff typically do not require a storm water drainage plan for an accessory structure unless it is a new residence construction with an accessory structure. Ms. Hernandez noted in this case, staff did require the applicant to provide a drainage plan which was reviewed by staff, city engineer Freese and Nichols. All parties agreed that it was compliant with the drainage requirements per Chapter 5.

To avoid a situation like this in the future, Councilmember Karl P. Baker suggested staff look at the square footage threshold for accessory structures when determining if an applicant requires a storm water plan.

The architect for the applicant Tobin Smith addressed the Council and stated the Stewarts have extended olive branch after olive branch to no end and he discussed a water swale that was created on the applicant's property to flow water to the east side. He added the neighbors seem to want them to divert 100% of the water that historically has flowed downhill, southwest onto the property. Mr. Smith shared two engineers agreed there has been significant reduction water. He noted they met with Mr. Randolph and the Flannery's and explained everything to them, gave them documents, landscape architect plans, surveys, pre-project photographs, and answered questions, but there are new requests each time. He closed by stating they have satisfied the requirements of the replat.

Councilmember Baker asked if Council could approve a "conditional" replat to include the three recommendations both parties orally agreed to.

Mr. Lopez reiterated it could be noted that the applicant is doing this on a voluntary basis, but Council cannot enforce it since it is beyond what city code requires for approval.

After further discussion, Councilmember Billa Burke moved to approve Planning and Zoning Case No. 432 as presented. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

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Staff Reports

Item # 7 Mayor Rosenthal read the following caption.

**Notice of Intent to add to the existing commercial use building on the property located at 934 Patterson Ave, also known as The Argyle**

Item postponed by applicant on March 21, 2024, until further notice; no action or discussion on this item.

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With no further business to consider, Mayor Pro Tem Bonner moved to adjourn the meeting at 6:49 p.m. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

**PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF APRIL, 2024.**

  
Elsa T. Robles, TRMC  
City Secretary



  
Bobby Rosenthal  
Mayor